THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT APPEAL No. 1441 OF 2005

09-08-2005

Between:

Bandari Harinath.

.....APPELLANT

AND

Agent to Government, Khammam District, Khammam & others.

.....RESPONDENTS

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

And

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT APPEAL No. 1441 OF 2005

JUDGMENT : (Per Hon'ble Sri Bilal Nazki, ACJ)

Writ petition had been filed by the petitioner, which has been dismissed by the learned single Judge. He felt aggrieved of the Fax message sent by Agent-cum-District Collector, Khammam to the Sub-Divisional Magistrate, Bhadrachalam. By that Fax message, the 1st respondent directed the 3rd respondent to send the record regarding proceedings in O.S.No.244 of 2004 pending on the latter's file. The Fax message was impugned on the ground that the same was arbitrary and was without application of mind.

The petitioner is allegedly in occupation of land in a village and he claims to be in its possession for a long time and he was making attempts to get patta under the A.P.Scheduled Areas Ryotwari Settlement Regulation, 1970. While he was making attempts to get it regularized, which in other words mean that he had no rightful cause to hold to the land, Sri Seetharamachandra Swamyvari Devasthanam (hereinafter called 'the temple') also claimed ownership to the land and got patta to the land, sold away to the extent of Acs.4-50 after following the procedure under Law. The Tobacco Board purchased the land from the temple, for construction of tobacco auction platform. After taking possession of the land, construction of platform was started and the petitioner filed O.S.No.244 of 2004. He also filed an interlocutory application for ad interim injunction. Under A.P.Agency Rules, 3rd respondent had the power till 31.9.2004. Second respondent, who was arrayed as sole defendant in O.S.No.244 of 2004, filed an application before the 1st respondent seeking transfer of the file from 3rd respondent to any other competent Sub-Divisional Magistrate, who had jurisdiction to try the suit. The learned single Judge found that this case had been transferred to 3rd respondent, who has the jurisdiction in the matter on 3rd of January 2005, therefore, the petitioner could approach the 3rd respondent for his grievances.

The learned single Judge was right in dismissing the writ petition and we do not find any reason to interfere in the order passed by the learned single Judge. Appeal is accordingly dismissed.

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(BILAL NAZKI, ACJ)

9th August 2005.

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(G.CHANDRAIAH, J)

ajr